

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on January 7, 2009, and the references cited therewith.

Claims 1, 10, 14 and 18 are amended; as a result, claims 1, 3, 4, 7 – 11, 13 – 15, 17, 18, 20 – 22 and 24 – 26 are now pending in this application.

35 USC § 103 Rejection of the Claims

Claims 1, 3, 7-11, 14, 15, 18 and 24-26 were rejected under 35 USC § 103 as being unpatentable over Hendel, et al. (U.S. Patent Application Publication No. 2004/0013117 A1), hereinafter “Hendel”, in view of Pettey (U.S. Patent Application Publication No. 2003/014544 A1), hereinafter “Pettey”.

As an initial matter, Applicants respectfully submit that prior to the current amendments, the claims included teachings that have been discussed in prior responses. Applicants hereby incorporate the prior arguments regarding the cited references that were made in the prior responses in this response.

Applicants note that in the Response to Arguments, paragraph 25, the Official Action indicates that Applicants argued that Pettey is “nonanalogous art”. Applicants are unable to find such an argument in the prior response. Applicants therefore request clarification.

Applicants have amended the preambles of claims 1, 10, and 14 to reflect that the method, apparatus and system are configured to accelerate TCP processing by partitioning processing tasks between system elements in a way that scales with the elements. Support for this amendment may be found in the specification. *See, e.g., paragraph [0045], page 19 of the Specification.*

Applicants have amended claims 1, 10, 14 and 18 to clarify what is claimed. In particular, claim 1 has been amended to more particularly recite:

splitting each of the one or more packets into a header and a payload and **posting each header to a first buffer on a host and each payload to a second buffer on the host**, using the network component;

and

performing one or more operations, using the TCP-A driver, that result in **a data movement module retrieving one or more payloads of the at least one of the one or more packets from the second buffer and placing the one or more corresponding payloads into a read buffer** wherein the data movement module comprises a DMA (direct memory access) engine.
(Emphasis added.)

Claims 10, 14 and 18 have been similarly amended. Support for these amendments may be found throughout the specification. *See, e.g., paragraph [0020], page 10, and paragraph [0031], page 14, of the Specification.* No new matter is believed added by these amendments.

Hendel discloses “a host buffer is identified through buffer mapping ... and the payload is placed in the buffer through DMA.” *Hendel, paragraph [0035], lines 8 – 10.* Hendel further discloses “[a]fter the DMA is completed, the header portion of the packet is forwarded to a host processor.” *Hendel, paragraph [0035], lines 10 – 12.* Hendel appears to be directed to a method that maps a host buffer, places a payload in the host buffer then forwards the header to the host processor. Applicants find nothing in Hendel that teaches or suggests both “posting each header to a first buffer on a host” and posting “each payload to a second buffer on the host”.

Further, Applicants are unable to find “retrieving one or more payloads... from the second buffer and placing the one or more corresponding payloads into a read buffer.” In Hendel, “from the sequence number of a packet payload, a host buffer is identified” and “the payload is placed in the buffer through DMA.” *Hendel, paragraph [0035], lines 8 – 10.*

Accordingly, Applicants respectfully submit that Hendel fails to disclose each and every teaching of the pending claims. Applicants are unable to find the missing teachings in Pettey, nor has Pettey been cited as providing the missing teachings. Accordingly, without conceding that such combination is proper, even if Pettey and Hendel were combined, the combination

would not render obvious the method claimed in amended claim 1 of the pending application because such combination would not teach or suggest all the claimed teachings. At least for these reasons, the invention claimed in amended claim 1 is non-obvious over Hendel in view of Pettey. Accordingly, Applicants respectfully request withdrawal of this rejection.

Independent claims 10, 14, and 18 have been amended to include similar teachings to the amended claim 1. By similar reasoning, as above with respect to amended claim 1, the inventions claimed in amended claims 10, 14 and 18 are non-obvious over Hendel in view of Pettey. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 7-9, 11, 15 and 24-26 were rejected as unpatentable over Hendel in view of Pettey. Since these claims depend, directly or indirectly, from independent claims 1, 10, 14 and 18, by similar reasoning, these claims are likewise non-obvious over Hendel in view of Pettey. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 4, 21 and 22 were rejected under 35 USC § 103 as being unpatentable over Hendel et al. (U.S. Publication No. 2004/0013117 A1), in view of Pettey (U.S. Publication No. 2003/014544 A1) and further in view of Cheriton et al. (U.S. 6,675,200). Applicants can find nothing in Cheriton to overcome the deficiencies of Hendel in view of Pettey discussed in detail above. Accordingly, Applicants respectfully request withdrawal of these rejections.

Claims 3, 13, 17 and 20 were rejected under 35 USC § 103 as being unpatentable over Hendel et al. (U.S. Publication No. 2004/0013117 A1), in view of Pettey (U.S. Publication No. 2003/014544 A1) and further in view of Seidl et al. (U.S. Publication No. 2003/0217231 A1). Applicants can find nothing in Seidl to overcome the deficiencies of Hendel in view of Pettey, discussed in detail above. Accordingly, Applicants respectfully request withdrawal of these rejections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (603-668-6560) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238.

Respectfully submitted,

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